

ALEX G. TSE (CABN 152348)
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

ERIN A. CORNELL (CABN 227135)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7124
Facsimile: (415) 436-7234
Erin.Cornell@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	VERIFIED COMPLAINT FOR FORFEITURE
)	
v.)	
)	
APPROXIMATELY \$32,900 IN UNITED)	
STATES CURRENCY,)	
)	
Defendant.)	

NATURE OF THE ACTION

1. This is a judicial forfeiture action, as authorized by 21 U.S.C. § 881(a)(6), involving the seizure of a parcel ("the subject parcel") containing approximately \$32,900 in United States currency, which was seized as money furnished or intended to be furnished by a person in exchange for a controlled substance, or money traceable to such an exchange, or money used or intended to be used to facilitate a violation of Subchapter 1, Chapter 13 of Title 21, United States Code.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§ 1345 and 1355(a), and 21 U.S.C. § 881(a)(6).

1 any delay in delivery could be an indication that the mailing may have been compromised by law
2 enforcement.

3 13. Another indicator was that the subject parcel did not have the telephone numbers of either
4 the sender or addressee listed on the mailing labels, which prevents the sender or recipient from being
5 contacted.

6 14. Another indicator was that the parcel was mailed to a Commercial Mail Receiving
7 Agency ("CMRA"), which are used by narcotics traffickers as "safe houses" for receipt of narcotics or
8 their proceeds, and to conceal the identity of the recipients, which is an attempt to keep their real names
9 and/or addresses from appearing on their mailings in an effort to avoid detection by law enforcement.

10 15. Another indicator was that the parcel bore a handwritten label and did not contain a
11 business account number but rather, cash-paid postage of \$47.45. Narcotics traffickers will often hand
12 write the labels attached to the mail piece instead of utilizing a pre-printed label, as is customary with
13 more legitimate businesses utilizing Priority Express Mail service.

14 16. Another indicator was that the "signature required" box was not checked on the label.
15 This would have allowed the parcel to be delivered without the addressee or the addressee's agent
16 having to sign for the parcel, contingent upon the parcel being left in a secure location at the address.
17 This can allow delivery to be tracked without affirmative acceptance by an individual who may be
18 investigated by law enforcement.

19 17. On October 25, 2017, Inspector Rounds presented the subject parcel for examination to a
20 narcotics detection canine named "Richter".

21 18. Richter has been trained to react only to ephemeral by-products of narcotics and not to
22 commonly circulated money.

23 19. When Richter came across the subject parcel, he exhibited a change in behavior, which
24 was consistent with the presence of the odor of a controlled substance that he is trained to recognize.

25 20. Postal Inspectors learned that 3336 North Texas St, Fairfield, CA 94533 (the recipient
26 address on the subject parcel) was a CMRA. Postal Inspectors obtained a copy of the mailbox rental
27 return application for the address 3336 North Texas Street Suite J #148, Fairfield, CA 94533, which
28 listed the renter as Derrick Dogan Jr. and provided an address of 3700 Lyon Rd. #182, Fairfield, CA

1 94534.

2 21. On October 25, 2017, Inspector Rounds, along with officers from the Solano County
3 Sheriff's Office, visited the residence located at 3700 Lyon Rd., #182 in Fairfield, California and
4 knocked on the front door. A male-sounding voice was heard from within the residence asking who was
5 at the door. In response, Inspector Rounds and the Sheriff's deputies identified themselves as law
6 enforcement. No further sounds were heard from the residence. Inspector Rounds and the Sheriff's
7 deputies attempted to communicate with the male-sounding voice again for approximately five minutes
8 with negative results.

9 22. Later that same day, a Solano County Sheriff's deputy received a phone call from a
10 phone number with a "510" area code. The caller had a male-sounding voice and identified himself as
11 being from Best Kept Secret (the sender of the subject parcel). The caller told the Sheriff's deputy that
12 he sent \$30,000 to his cousin in California to start a graphics design company. The caller further
13 explained that he owned a barbershop along with many other businesses and the money was proceeds
14 from those businesses. The Sheriff's deputy asked the caller why he did not send a check, and the caller
15 said that his bank could not cash checks in California and his cousin did not have the same bank so he
16 could not send a check. The Sheriff's deputy advised the caller that any legitimate bank could cash a
17 check from another legitimate bank. The caller said that there was nothing illegal in the parcel, just the
18 currency. The caller would not provide his name to the Sheriff's deputy.

19 23. On October 26, 2017, the same unidentified male called the Solano County Sheriff's
20 Office twice asking for his money. Based on their investigation, Sheriff's deputies believed that the
21 "510" phone number associated with the unidentified male caller belonged to Kory Moore. The phone
22 number was registered to Kory Moore and his name was associated with the address 1923 Hazel Street
23 in Shreveport, LA (the sender address on the subject parcel).

24 24. On November 3, 2017, Inspector Rounds obtained and executed a federal search warrant
25 to inspect the subject parcel.

26 25. Inside the subject parcel, Postal Inspectors found bubble wrap and two bubble mailers.
27 Inside the bubble mailers, Postal Inspectors found one envelope and three unused labels. One of the
28 labels had a "from" address of "Discount Clothing 2763 River Plaza Dr. Sacramento, Ca. 95833", and a

1 “to” address of “Pat Monroe 3637 West Martin Luther King Dr. Shreveport, La. 71107”. Postal
2 Inspectors checked law enforcement databases for “Discount Clothing” and learned that the business
3 does not exist at 2763 River Plaza Dr. in Sacramento. That address is an apartment complex.

4 26. Another one of the labels had a “from” address of “Eastbay Equipment 5100 Belle Dr.
5 Antioch, Ca. 94509”, and a “to” address of “Marcus Smart 7410 Weather Top Dr. Shreveport, La.
6 71107”. The Postal Inspectors’ investigation revealed that Eastbay Equipment did not exist at 5100
7 Belle Drive in Antioch. No company was found to be associated with that address.

8 27. The third label had a “from” address of “Advanced Printing Services 5100 Belle Dr.
9 Antioch, Ca. 94509”, and a “to” address of “Marvin Brown 7215 Beaufort Way Shreveport, La. 71129”.
10 The Postal Inspectors’ investigation revealed that Advanced Printing Services did not exist at 5100 Belle
11 Drive in Antioch. No company was found to be associated with that address.

12 28. Inside the bubble mailers, Postal Inspectors also found two packages wrapped with
13 newspaper secured with clear packing tape.

14 29. Upon removal of the clear packing tape and newspaper, Postal Inspectors found multiple
15 rubber banded bundles of currency in various denominations. The currency totaled \$32,900, and
16 consisted of 206 \$100 bills, four \$50 bills, and 605 \$20 bills. Drug traffickers often deal with small bills
17 and are known to use low denomination currency to conduct their business.

18 30. The subject parcel did not contain any notes, receipts, or instructions. Individuals who
19 traffic in controlled substances rarely include any type of instructions with the proceeds. Legitimate
20 businesses that mail out cash or monetary instruments would normally include a note, letter, receipt,
21 card, or a coupon with the parcel.

22 31. The recipient of the subject parcel, Derrick Dogan, has a significant criminal history that
23 includes multiple arrests and convictions for possession and possession for sale of marijuana and
24 cocaine base, and possession of a controlled substance, including marijuana and cocaine.

25 32. Kory Moore also has a significant criminal history that includes possession and
26 distribution of controlled substances, including marijuana.

27 33. On or about January 11, 2018, Kory Moore submitted a claim for the defendant currency
28 in response to the USPIS’s administrative forfeiture action. As part of that claim, Kory Moore stated

1 that he sent the defendant currency to Derrick Dogan to hold for him, because he was coming to
2 California to purchase graphic design equipment and he did not want to carry the defendant currency in
3 his luggage.

4 34. As part of Kory Moore's claim, he submitted an affidavit signed by seven individuals,
5 including Patrick Marshall. The affiants stated that they each paid Kory Moore \$100 per week for booth
6 rental at a salon owned by Kory Moore.

7 35. The investigation has shown that on February 4, 2016, Patrick Marshall wired \$1,590 to
8 Derrick Dogan; on February 5, 2016, Patrick Marshall wired \$800 to Derrick Dogan; and on February
9 10, 2016, Patrick Marshall wired \$1,500 to Derrick Dogan. Financial transactions of amounts such as
10 this are indicative of the sender and/or recipient attempting to evade reporting requirements, also known
11 as structuring, which is a federal offense.

12 36. The investigation has shown that Kory Moore sent money via Western Union to Derrick
13 Dogan on the following dates: December 15, 2014 (\$875); October 7, 2016 (\$1,000); October 10, 2016
14 (\$1,300); November 23, 2016 (\$700); December 21, 2016 (\$1,500); January 13, 2017 (\$1,000); January
15 27, 2017 (\$900); February 4, 2017 (\$1,400); March 24, 2017 (\$1,700); and June 26, 2017 (\$1,200).

16 37. The investigation has shown that Kory Moore sent money via Western Union to MR in
17 Concord, California on the following dates: June 17, 2016 (\$2,300) and August 8, 2016 (\$1,000).

18 38. MR is married to HR, and the investigation has shown that Kory Moore sent money via
19 Western Union to HR in Concord, California, on the following dates: April 25, 2014 (\$1,000);
20 September 26, 2014 (\$500); February 17, 2016 (\$1,950); May 15, 2016 (\$900); May 28, 2016 (\$4,050);
21 August 10, 2016 (\$600); and October 6, 2016 (\$1,000). HR has an extensive criminal history that
22 includes multiple arrests for possessing, transporting, and selling narcotics.

23 39. The investigation has shown that on May 16, 2014, Kory Moore sent \$580 via Western
24 Union to LS in Oakland, California. LS was arrested in 2003 for possession of cocaine base for sale.

25 40. The investigation has shown that on January 7, 2017, Kory Moore sent \$1,200 to DB in
26 San Leandro, California. DB's criminal history includes a January 2017 arrest (shortly after receipt of
27 the money from Kory Moore) for marijuana cultivation and possessing marijuana for sale.

28 41. The investigation has shown that on May 24, 2017, DF sent \$900 from Shreveport,

1 Louisiana to Kory Moore, who received the money in Shreveport, Louisiana. DF's criminal history
2 includes four arrests for cultivating and distributing marijuana.

3 42. The defendant \$32,900 was seized as proceeds of narcotics transactions or moneys used
4 in the furtherance of narcotic trafficking under 21 U.S.C. § 881(a)(6).

5 **CLAIM FOR RELIEF**
6 **21 U.S.C. § 881(a)(6)**
7 **(forfeiture of drug proceeds and facilitating property)**

8 43. The United States incorporates by reference the allegations in paragraphs 1 through 42 as
9 though fully set forth herein.

10 44. Title 21, United States Code, Section 841(a) prohibits the manufacture, distribution, or
11 dispensing, and possession with the intent to manufacture, distribute, or dispense a controlled substance.

12 45. Title 21, United States Code, Section 846 prohibits a person from attempting or
13 conspiring to distribute and possess with the intent to distribute a controlled substance.

14 46. Title 21, United States Code, Section 881(a)(6) provides, in part, for the forfeiture of all
15 moneys, securities or other things of value furnished or intended to be furnished by any person in
16 exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys,
17 negotiable instruments and securities used or intended to be used to facilitate any violation of Title 21,
18 United States Code, Chapter 13, Subchapter I, including violations of Title 21, United States Code,
19 Sections 841(a) and 846.

20 47. In light of the foregoing, and considering the totality of the circumstances, there is
21 probable cause to believe that the defendant \$32,900 United States currency represents moneys
22 furnished or intended to be furnished to another person in exchange for a controlled substance,
23 constitutes proceeds derived from such an exchange, and was used or intended to be used to facilitate an
24 offense, in violation of Title 21, United States Code, Sections 841(a) and 846, and thus subject to
25 forfeiture under Title 21, United States Code, Section 881(a)(6).

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1 WHEREFORE, plaintiff United States of America requests that due process issue to enforce the
2 forfeiture of defendant \$32,900; that notice be given to all interested parties to appear and show cause
3 why forfeiture should not be decreed; and that judgment of forfeiture be entered; that the Court enter
4 judgment forfeiting defendant \$32,900; and that the United States be awarded such other relief as may
5 be proper and just.

6
7 Dated: April 12, 2018

Respectfully submitted,

8 ALEX G. TSE
Acting United States Attorney

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10 ERIN A. CORNELL
11 Assistant United States Attorney
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VERIFICATION

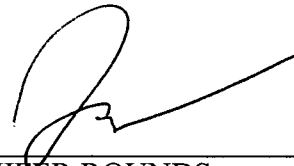
I, Jennifer Rounds, state as follows:

1. I am a Postal Inspector with the United States Postal Inspection Service. I am the case agent assigned to this case. As such, I am familiar with the facts and the investigation leading to the filing of this Complaint for Forfeiture.

2. I have read the Complaint and believe the allegations contained in it to be true.

* * * * *

I declare under penalty of perjury that the foregoing is true and correct. Executed this 12th day of April, 2018, in San Francisco, California.



JENNIFER ROUNDS
Postal Inspector
United States Postal Inspection Service

JS-CAND 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

AUSA ERIN A. CORNELL
450 GOLDEN GATE AVE., 9TH FL.
SAN FRANCISCO, CA 94102; (415) 436-7124

DEFENDANTS

Approximately \$32,900 in United States Currency

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|--|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 Foreign Nation |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC § 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC § 158 <input type="checkbox"/> 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC § 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC § 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation-Transfer ☐ 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title 21, United States Code, Section 881

Brief description of cause:
Drug-related forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE: 04/12/2018

SIGNATURE OF ATTORNEY OF RECORD:

